

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 19-CR-360

JUAN LUIS ALMANZAR HERNANDEZ,

Defendant.

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KIMBA M. WOOD, District Judge:

**ORDER**

On June 23, 2021, Juan Luis Almanzar Hernandez (“Defendant”) was sentenced principally to a term of imprisonment of 75 months following his plea of guilty to charges relating to a conspiracy to distribute and possess with intent to distribute narcotics, in violation of 21 U.S.C. §§ 846, 841(b)(1)(A). (J., ECF No. 88.) The Defendant’s sentencing guidelines range was 87 to 108 months’ imprisonment, based on an offense level of 29 and a criminal history category of I. The Bureau of Prisons currently projects that the Defendant will be released from prison on August 12, 2024.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points

who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

Defendant has made a motion for a reduction in his sentence. (ECF No. 118.) The Probation Department has issued a report indicating Defendant is eligible for a reduction. (ECF No. 117.)

Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders has been appointed to represent the Defendant in this Court's consideration of whether the Defendant's sentence should be modified in light of Amendment 821.

IT IS ORDERED that no later than January 11, 2024, the Government shall file a statement of its position on the motion for modification of the Defendant's sentence.

IT IS FURTHER ORDERED that the Defendant shall file his response, if any, no later than January 18, 2024.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: New York, New York  
January 4, 2024

/s/ KIMBA M. WOOD  
KIMBA M. WOOD  
United States District Judge